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# TRANSMITTAL FORM

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Total Number of Pages in This Submission	3	Application Number	10/033,243
		Filing Date	December 27, 2001
		First Named Inventor	Karen L. FEARON
		Art Unit	1645
		Examiner Name	P. Duffy
		Attorney Docket Number	377882001800

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Communication Regarding the Notice of Non-Compliant Amendment (2 pages)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Remarks	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	MORRISON & FOERSTER LLP (Customer No. 25226)		
Signature	/Catherine M. Polizzi/		
Printed name	Catherine M. Polizzi		
Date	March 25, 2008	Reg. No.	40,130

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Karen L. FEARON et al.

Application No.: 10/033,243

Confirmation No.: 8533

Filed: December 27, 2001

Art Unit: 1645

For: IMMUNOMODULATORY  
POLYNUCLEOTIDES AND METHODS OF  
USING THE SAME

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Examiner: P. Duffy

**COMMUNICATION REGARDING THE  
NOTICE OF NON-COMPLIANT AMENDMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This communication addresses the Notice of Non-Compliant Amendment dated February 26, 2008 (Paper No. 20080217) for which a response was due March 26, 2008.

A telephone interview was conducted with Examiner Duffy and Applicant's representative, Catherine Polizzi, on March 25, 2008. Applicants thank Examiner Duffy for the courtesy of an interview to clarify the Notice of Non-Compliant Amendment. Upon further review, Examiner Duffy determined that the previously-filed response (December 5, 2007) was in compliance in view of newly presented claims 49 to 53 being identical to claims 49 to 53 of the response filed in August of 2007. Examiner Duffy confirmed that no corrective action was necessary and advised that this communication be submitted to the Patent Office.

Applicants respectfully request consideration of the response filed on December 5, 2007.

**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 377882001800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 25, 2008

Respectfully submitted,

By /Catherine M. Polizzi/  
Catherine M. Polizzi  
Registration No.: 40,130  
MORRISON & FOERSTER LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
(650) 813-5651